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THE LIBERTY OF THE PRESS.

I shall now continue and conclude (from my last, page 495) the observations which suggest themselves to me on the proceedings in the case of Messrs. HUNT. — The Attorney-General dwelt much and heavily upon the comparison that was made, in this publication, between the punishments inflicted on the French soldiers and those inflicted upon the English soldiers; and he said, that the writer “struck his lance between the *supposed* hardships of our army and the *real* ones of Buonaparté’s, giving the final preference to the “CORSICAN.” — Now, I have looked carefully through this eloquent article, and I do not find the word “*Corsican*” in it from the beginning to the end. And, indeed, why should it be there? What signifies in what part of the French dominions, or of the world, Napoleon Buonaparté was *born*? There is nothing peculiar, either in goodness or badness in the soil of Corsica as affecting the morals or mental powers of the inhabitants. The system of punishment in the French army is neither better nor worse from the circumstance of its Commander having been born in the island of Corsica. The lash is neither more nor less bearable on account of the birth-place of the drummer that lays it on, or of the officer who commands it to be laid on. This *Corsicanship*, therefore, seems to me to have had nothing at all to do with the matter in question; and, if it was introduced merely as an *appellation*, I cannot help saying, that I do not think the *taste* good, especially when I reflect, that, in the Convention of Cintra, Napoleon was recognized, by name, at least, *Emperor of France*; and that, in this same court of King’s Bench, upon the trial of Mr. PELTIER, the same judge declared him to be the *sovereign of France*, even while he was First Consul, and directed the jury to find a verdict of guilty against Mr. PELTIER for *libelling him*. We were then at *peace* with him, to be sure; but, so we may be again; and, at any rate, that can make no difference as to the *name* of the person. — To return now to the charge of the Attorney-

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General against the “*balance struck in favour of the Corsican*,” where, I should be glad to know, was the *crime* of doing this? The ATTORNEY-GENERAL exclaimed: “can the jury hear this *without indignation*?” Why not? What was there in it to excite their indignation, or the indignation of any body else? The opinion of the writer might be *erroneous*; his reasoning might be *fallacious*, or *inconclusive*; nay, his facts might be *false* (though he was not allowed to prove them true if he could,) and if they were false, they might be so from the *misinformation* of the writer; but, in all this put together there is nothing to excite *indignation* in any sober and impartial mind. — Is it meant to maintain, that, in no case, the measures and institutions of Napoleon are to be held up as an example to us? Is it meant to exhibit every man as a criminal, and almost as a traitor, who prefers any measure or any institution in France, to a measure or institution of the same sort in England? Why, then, was not SIR JOSEPH BANKS, upon being chosen a member of Napoleon’s Institute, called a seditious libeller, and almost a traitor, for declaring that Society to be *preferable to the Royal Society of England*? — This would be carrying things to a fine pass indeed. The writer in question was not calling upon his readers to believe any thing that tended to produce a seditious disposition in them, and to cause them to join or assist the enemy. He was merely pointing out what the enemy did as being, in one instance, wiser than what we did; and how many times, how many scores of times, has it been said, by those who profess exclusive loyalty, that we failed in certain things, *only because we did not imitate the enemy*? How many times has it been said, that we ought to take a *lesson* from him? — If this reason of the Attorney General were to be regarded as conclusive, to what a pretty state we should be reduced! No man would dare to express his approbation or admiration of any measure that was adopted in France, however manifest the wisdom of it, and however beneficial its application to this coun-

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try.—Push the same reasoning into other matters, and how would it suit? What is more common than to hear preachers make comparisons between the conduct of Christians and that of Pagans, and to give the preference to the latter? But, are we thence to conclude that they wish to make us Pagans, who knew nothing of tythes?—In common life (since the Attorney General talked of *correction* in the government of a family) what is so frequent as for parents to point out to their children the superior wisdom or virtue of other peoples children? But is it thence to be concluded, that they love those children better than they do their own? Is it not well known, that, in all ranks of life, one of the most powerful arguments that friendly admonition resorts to, is, the example of those whom the admonished party is known most to dislike, to grudge, or to envy? And, pray, where is the *reason*, that this sort of argument should not be used in the case of governments as well as in the case of individuals? Why should the party admonishing be regarded as an *enemy*, as a seditious libeller, in the former, and as a *friend* in the latter?—As to the *fact* appertaining to this comparison between Napoleon's system of punishment and ours, we do, perhaps, know little about it, further than that his soldiers are *not flogged* and that ours *are flogged*; but, it does not follow, that his punishments are not as *severe* as ours. They may be, for any thing that I know to the contrary, much severer; but, if they were, what has that to do with the matter? That circumstance would not justify any mode of punishment here or elsewhere.—But, when the Attorney General said, that, "if there were to be made any alteration in our military code, it must be by increasing the number of those offences punishable by death," I must believe, that he had not recently looked at that code. That code has in it the following enactment: "That if any Person who is or shall be commissioned or in Pay as an Officer, or who is or shall be listed or in Pay as a Non-commissioned Officer or Soldier, shall, at any Time during the Continuance of this Act, begin, excite, cause, or join in any Mutiny or Sedition in any Regiment, Troop, or Company, either of his Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny, or intended

"Mutiny, shall not, without Delay, give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post, to deliver up to the Enemy, or to abandon the same; or shall speak Words, or use any other Means to induce such Governor or Commanding Officer, or others to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved; or shall be found sleeping on his Post; or shall hold Correspondence with, or give Advice or Intelligence to any Rebel or Enemy of his Majesty, either by Letters, Messages, Signs or Tokens in any Manner or Way whatsoever; or shall treat, or enter into any Terms with such Rebel or Enemy, without his Majesty's Licence, or Licence of the General, or Chief Commander; or shall strike or use any Violence against his superior Officer, being in the Execution of his Office; or shall disobey any lawful Command of his superior Officer; or shall desert his Majesty's Service; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of His Majesty's Dominions, or in Foreign Parts, upon Land, or upon the Sea, shall suffer DEATH, or such other Punishment as by a Court-martial shall be awarded."

—Now, the question is not, whether this code be too severe or not; and perhaps it would be difficult to settle such a question upon military principles. It is very hard to say, how a line of distinction could be drawn so as to guard effectually powers like these from being abused; and, perhaps, in order to keep a large military force together, and to insure the performance of duties such as they necessarily have to perform, and the endurance of hardships such as they necessarily have to endure, do require this latitude of power.

—But I should be glad to hear how an increase could be made "to the number of offences punishable with death." Ac-

According to this code a man *may* be punished with death for going off his post, though but twenty yards, to warm his feet or get a glass of gin; he *may* be put to death for falling asleep when nature compelled him to do it; he *may* be put to death for giving a corporal a slap in the face, or shaking him by the collar, when he is taking him drunk to the guardhouse or black-hole; he *may* be put to death for not conforming to an order for queuing his hair or cleaning his buttons. I do not say that any soldier in the English army ever *has* been put to death for such offences, and, God forbid, that it should be thought likely for any man to be so punished for any such offence in our army or in any other. But, the thing is *possible*; the *power* exists; such is *the law*; and, again I ask the Attorney General *how* the number of offences punishable with death, in our army, could be "*increased*," seeing that, exclusive of the provisions in this code, the soldier is liable to the law of the land *for all capital offences*?—Therefore, the Attorney General's question, "in what terms the writer of this libel," as he called it, would attack the "poser" of an *increase* of offences punishable with death, seems to have been not very well suited to the occasion; and, indeed, it had no bearing at all upon the question, except in reference to the comparison between our military code and that of Napoleon; and, then, the question was, not which *code*, as to punishments with death, was most severe, but which was most *rigidly enforced*, which question we want a *knowledge of facts* to enable us to settle with accuracy; but, there can be little doubt, I think, that, in *this respect*, the French code is more, and a great deal more, *rigidly enforced*, than ours is, or it would be impossible to enforce obedience in so large an army as that with which Napoleon has changed the face of Europe and of the world.—But, there is one great feature in the comparison, which has been wholly overlooked; namely; that which presents itself in the *sources of promotion* in the two armies. The French is a system of *rewards* as well as *punishments*. I shall be told that ours is so too, and I know very well, that, as far as the promotion in the several ranks of *non-commissioned* officers goes, merit, with us, has generally its reward. Indeed, it almost always has, and for this reason amongst others, that a regiment could not be kept together unless the most active,

intelligent, and honest men were selected to be put in authority over their comrades. But, in the French army the rewards are so great; there are such powerful, such irresistible, inducements to good behaviour and to exertion, that there is the less necessity for the operation of the fear of punishment. Men are induced to behave well, to be prudent and honest and faithful, either by the hope of reward, in the shape of honour or emolument; or by the fear of punishment, in the shape of disgrace, poverty, or suffering of some sort or other; and, it follows of course, that the greater is your stock of rewards, the smaller need be the stock of your punishments.—Whether it be best to entrust our commissions in the army to none (with a few exceptions) but persons who *begin* as commissioned officers, is a question that I leave to be discussed by others; but, I think, that when a comparison between our military code and that of Napoleon are made the subject of comparison, this is a point that ought never to be left out of sight, and I have digressed into a notice of it here, because I do not recollect having seen it noticed by any of the many military officers who have thought proper to tender their thoughts to the public on our military code and system.—I now return to the arguments of the Attorney General, who said, that it was "*absolutely necessary, that an army should be governed by laws which were not applicable to the rest of society*," and added, that, "*in families it was necessary that children should be obedient to their parents, and servants to their masters, and that where this obedience did not obtain, the most serious evils ensued*."—With his leave, the illustration was quite inapt; for, *servants cannot be punished by their masters*; and yet we see that the affairs of families, if the *heads* are wise, go on very well. Servants are held to their duty by the prospect of emolument, or by gratitude, or by the fear of poverty from the loss of employment which attends the loss of character; and though they may be punished for breach of contract, the power of punishment *does not lie in the master's own hands*. So this was wholly inapplicable to the case.—As to *children*, there is no truth more clearly established, than that those who are punished *least* behave the *best*; and I have never in my life met with the whipping, or even the frequent scolding, of children in a well-regulated or happy family. In whatever family fear

and not *love* is the principle of obedience, in that family there is no confidence, no mutual trust, no bond of union, no happiness. The children may *obey*; but their obedience will be little better than that of a common servant; formal, cold, reluctant, having in view rather the securing of impunity to themselves, than the giving of pleasure to their parents. Elephants are brought to love one keeper who does not beat them by being beaten by another keeper; and, is it any wonder, that beaten or scolded children should like the society of servants or of neighbours better than that of a parent by whom they are treated like slaves? Hence it is, that, when children thus treated advance towards the age of maturity, the parent loses all his authority with them. The rod, or the whip, has lost its terrors, and, while they have legs they will not remain within hearing of a rating tongue. They now revenge themselves for their former involuntary submission; and the parent, when too late, perceives all his authority gone, and sees his son going forth into the world without a friend to guide his steps; whereas, had the rod, or the whip, been spared, had not the ties of blood been broken by the hand of chastisement, those ties would have given to every word of the parent a power of persuasion stronger than the voice of all the rest of the world united. There are some parents so *tender-hearted* as to delegate the task of flagellation to others called *tutors* or *school-masters*; and is it any wonder, that beaten boys, that flogged boys, should, when they grow up, be crawling slaves towards those above them, and insolent tyrants towards all those over whom they chance to obtain power? Yet, this makes a part of what is called *liberal education*! This, this source of all that is base, cowardly, corrupt, and tyrannical; this is an established part of what they call *liberal education*! —Thus, then, I think, it is plain, that this double-handed illustration of the Attorney-General, drawn from the government of a family and the rule of children and of servants, was apt only inasmuch as it made *directly against his argument*.

—There remains to be noticed two more observations of the Attorney General, one relating to *the vast importance of the army at this time*; and, the other, pointing out *the way in which people ought to make their complaints of the kind stated in the alledged libel*.

—As to the former, he said, that, "if

"once the army was let loose from its "code of laws, not only would follow the "destruction of the military system, but "the downfall of the state." The judge said, upon the same topic, that "the *Soldiery* "were now a class of men, upon whose "fidelity to the banners of their country "every thing depended." And, Mr. Brougham said, that, "upon the soldier's "feelings of honour depended the safety of "these kingdoms." —This is comfortable intelligence! The wars, then, against the Jacobins and Levellers have already produced this cheering effect! In England, in that country where, formerly, the sheriffs' wand, and the constable's staff were all that were required for the country's defence on shore, is now come to depend wholly for its safety upon the fidelity of soldiers! This, then, has been, thus far, the effect of the system of the last 20 years! —Well, but be it so; and then is it not the strongest argument that can be found out for free discussion upon the subject? The more *importance* the soldiers are of to the country, the more important is every matter connected with their treatment; and, if the safety of the country depends wholly upon their fidelity, if *every thing depends upon it*, was not the writer of the *Stamford News* and of the *Examiner* to take an interest in the soldier's treatment as well as any body else? For what reason were they to be cut off from the right of expressing their sentiments upon the subject? If our *all*, if *every thing* depends upon the army, surely, we may be allowed to give our opinions about the proper, or improper way of treating that army; and, surely, our earnestness and strength of expression may naturally be expected to keep pace with the importance of the object? —As to the *fact of our safety wholly depending upon the soldier's sense of honour*, I shall not attempt to inquire into it; but if this be the case, if *every thing* depends upon the *fidelity of the soldiers*; if this be all in all; if England has, at last, *nothing else to trust to*; if this be the state to which she is come; if this be the result of the system and measures of "the great "statesman now no more;" if all this be so, pray what *liberty of the press* have we left, unless we can *freely* write and print upon this subject? If the army be our only defence, our *only* ground of reliance, or rather hope, what a state is the *liberty of the press* in, unless a man can *freely* write and publish his thoughts upon the subject of that army? —The judge said

(and the passage was omitted at the close of my last number for want of room,) "Upon the subject of enlistment for life, "his lordship himself knew that the opinions of all the general officers had been collected. There were a variety of punishments, which would not bear detail; suppose that capital punishment were described in an *inflammatory* way, "no man could say to what extent juries might be led by their feelings, in trying capital issues, or even judges, in pronouncing upon their criminality."

What can make hanging more than hanging? And, really, I do not see how it is possible to say any thing *inflammatory* upon the subject, unless one accuses somebody of hanging people *unjustly*.—Hardships and sufferings, if described at all, must be described in a way to move the feelings; and, the natural effect and object is to move the feelings. With what other object can they be described? LORD HOLLAND's description, for instance, of the death of the poor creature in the Marshalsea Prison is enough to harrow up one's soul; but, was he, therefore, to hold his tongue? LORD HOLLAND and LORD MOIRA have, for years, been labouring in the cause of suffering debtors. The thanks of every man are due to them, and the thanks of every good man they have; but, have they not frequently gone into great detail upon the sufferings of debtors; and did any body ever blame them for this? Nay, has not LORD ERSKINE proposed a law to prevent the ill-treatment, by *beating, whipping, &c.* of *beasts*; and, however any one might think that this was going a little too far with legal interference, no one ever, that I have heard of, accused him of *inflammatory* descriptions. Therefore, unless the description be accompanied by some *false* charge of *injustice*, it does not appear to me that it can be called *inflammatory*; and in the article of the Stamford News I can discover no such charge.—Now, as to the other point, namely, the *mode of making complaint* suggested by the Attorney General. He said, that even Sir John Stuart and Sir Robert Wilson had "a *private opportunity* of communicating their thoughts, "where they might have been more *efficacious*." That is, of course, to the *ministers*. And the judge said, that it "could not be supposed that the subject of the soldier's punishment had not undergone the consideration of those who "were supposed to be full of all honourable

feelings."—But, it seems, that the two officers were not content with this mode of communication; they thought it more likely to obtain their end and effect the reform they had in view by addressing their thoughts to the public; and, why were not the Stamford Writer and the Messrs. Hunt, to think the same, and act in the same way accordingly? That which was *no crime* in the officers could not be a *crime* in the news-paper proprietors.—

The judge, however, pointed out another mode of communicating our thoughts upon this subject. He said (at least, so it is in the report), that, "if the writer had "been really actuated by a feeling for the "soldiery, why did he not make a *private representation to some member of the legislature*?" But, will not this reasoning apply to all subjects of complaint as to public measures? May it not equally well be said, that, if a man *really* feels for the suffering of his country arising from *heavy taxes, from unwise expeditions, from the issuing of bank paper, from grants or loans to the East India Company, from contracts, pensions, sinecures, from seat-selling, or from any thing else*; may it not, in all these cases, equally well be asked, "why he "does not make a *private communication to some member of the legislature*?" And, then, I should be glad to know in *what* the *liberty* of the press is to consist? I should be glad to know *what* there is, or can be, that he is to be at *liberty* to write about?—Well, but suppose this Writer had communicated his thoughts to some member of the legislature? He must *know* one first. But, suppose him to be able to get at one *personally* (for *letters* may be *libels*); and suppose the member were to differ from him in opinion; or were to tell him he would have nothing at all to do with the matter? What is he then to do? Is he to hold both his pen and his tongue? What, in the meanwhile, would he be doing with his *press*, his *free press*? What would he be at with that?—However, suppose him to find some member like MR. WARDLE to listen to his communication, and to bring the subject of his thoughts before the honourable House. What then, he would hear the said member told, as MR. WARDLE was by MR. PERCEVAL, that "every man who *wished well to the country*, must be aware how "very much the bringing forward *military charges* in that House ought to be avoided;" and, further, he would in all likelihood see the said member most furiously

abused the next day, in the venal prints, as Mr. WARDLE was by the COURIER, who, on the 28th of February accused that Gentleman and Sir Francis Burdett of an intention to stir up mutiny in the army, who accused them of every species of vile and base motive, because the former made, in his place, a regular complaint respecting the treatment of Corporal Curtis, and because the latter seconded and supported and voted for his motion for an INQUIRY, which the House rejected by a majority of 93 against 3.—This debate has an intimate, a close connection with the subject before us; and, therefore, I have inserted it here, just as I find it in the TIMES newspaper; and all that I desire of the reader is, that he would go carefully through the whole of it.—The COURIER says that this, too, was *inflammatory*. Good God! *Where and how* is a man, then, to utter his thoughts? Mr. WARDLE did, in this case, as in that of the Duke of York, act in the most *open* and *manly* manner. He plainly stated his case. He said, give me *inquiry* and I will prove at your bar all I have asserted. You say, that all that I have asserted is *false*; I say it is true; let us, then, come to the PROOF, for by that I am ready to stand or fall. The House *refuse the inquiry*. Very well, there it rests. He cannot prove what they will not let him prove; but, is it not too much, after such a decision, for the venal writer to fall on upon him and accuse him of uttering inflammatory falsehoods? Is not this too impudent? The House *rejected the motion for inquiry*; they would not hear what, in proof of his charge, he offered to bring to their bar; they did not, as in the case of the Duke of York, *rejoice* that the charge had assumed a "*tangible shape*;" they said the charge was *not true*, and that they would have *no inquiry into it*. Very well. There that ends. The thing stands there upon its own bottom; and the public have, in the report of the debate, the means of judging for themselves; but, is it not most atrocious in this venal man to attack Mr. WARDLE, to exhibit him as the author of a *false charge*, and that, too, invented for the most mischievous purposes as to the army?—Nay, he goes further, and accuses him of a design, by the means of this motion, to *blacken* the character of the honourable House itself. His words are these: "Not a member was found to support them" (Mr. Wardle and Sir Francis Burdett), "and the *disgust* felt by every man at so unfounded a charge will be con-

verted into an accusation against the Legislature; another argument for the necessity of Reform."—Oh, oh! then you are not, it seems, quite sure, that the public will see the thing in the same light that you do? But, venal as you are, can you be so stupid as not to perceive the inconsistency in asserting, that the charge was so flagrantly unfounded as to excite "*disgust* in every man," while at the same time you assert, that the *rejection of inquiry* will be converted into an accusation against the Legislature, and become another argument for the necessity of Reform? If every man was convinced that the charge was *unfounded*; if every man was *disgusted* at it, how is it possible that the rejection of inquiry can become an accusation against the honourable House, and another argument for the necessity of Reform? But, thus it always happens. *Consistency* and *truth* go together, and so too do their opposites.—Here I should have closed my observations upon the proceedings in the charge against Messrs. HUNT; but, as I noticed in my last, there appeared, in the COURIER of the 25th of February, an article upon the same subject of so shameful a description, that I cannot refrain from bestowing some remarks upon it; especially as it appears to me to come from a hand superior to that which is generally employed in that paper, and as the outset contains an attempt at apology for the editor's departing from *his usual practice* with regard to prosecutions for libel.—Having thus promised, and having given to the article the title of "*MUTINOUS LIBELS*," he accuses the jury of having found a *false verdict* in the case of Messrs. HUNT; and he asserts, that the publication was intended for the express purpose of producing a mutiny in the army.—Having perceived, that there was two strong points in the defence, he sets himself to work with a view of doing what the Attorney General did not succeed in, namely, persuading the public that those points were insufficient for the defence.—The first was, the reasoning upon *analogy*, by which the writings of Sir John Stuart and Sir Robert Wilson became so useful and so powerful and efficacious in the defence of Messrs. HUNT.—Upon this point the venal man, or, rather, his coadjutor upon this occasion, has the following remarks.—"*Reasoning by analogy* is, at all times, dangerous: on this occasion it was most delu-

“sive and mischievous. What if General Stewart and Sir Robert Wilson have written against the punishment of flogging? Does it follow as a consequence that on the same side and subject any other man is justified in writing the most seditious libels malice can invent? Was Cobbett acquitted because many good men have resisted, in Parliament, the admission of foreign troops, and the volumes of Debates contain their speeches? Was Thomas Paine acquitted because Locke and Sydney and Chilton, with the highest characters in the kingdom, at the æra of the Revolution, had defended the Rights of Man before him, their sentiments being printed and existing in every library? Though Mr. Pitt and Earl Grey have contended for Parliamentary Reform, does it follow that any thing, however atrocious, may be written against Parliament?”—All through, you see this venal man, or his coadjutor, assumes that those whom he would deny the liberty of publishing their thoughts, have, or would publish seditious and atrocious libels. He assumes this, and it is a mere assumption.—No: we do not say, that we have a right to publish any thing “atrocious” against the parliament, or against any body else; we only say, that we have a right to publish the TRUTH about the parliament and about every thing and every body, and especially about whoever or whatever belongs to the public affairs of our country. No, we do not contend that we have a right to publish any thing “atrocious” against the parliament; but, if we merely repeat the opinions of Lord Grey and Pitt upon the subject of Reform, we hold it to be most “atrocious” that any one should accuse us of seditious intentions on that account; or that he should call us rabble; and call our complaints clamour. What, are we to have dinned everlastingly in our ears praises of “the great statesman now no more;” are we to see measures of the greatest importance adopted merely because similar measures were proposed by him; and, if we repeat his opinions about the House of Commons, are we to be called enemies of the country and friends of the French? What impudence is this.—The only difference between those whom this writer would prevent from publishing their thoughts and those whom he would permit to publish them is this: that the former were and are calculated to produce effect, and that the latter are now

out of sight and out of hearing; and this was the only difference between the writings of the Stamford News and the Examiner and those of Sir John Stuart and Sir Robert Wilson.—But, this venal writer says, further on, that subjects of this sort should be treated with “great TENDERNESS” (a very apt phrase for the subject, to be sure!), and “should be left exclusively to military men.” So that, according to him, no man without a red coat upon his back is to write and publish a word about the treatment of the soldiers! Several hundred thousands of our countrymen are thus to be cut off from any sort of feeling in common with us. We are not to move our pens, nor, of course, our tongues, let us know what we will respecting the treatment of those who are to shed their blood in our defence. This is truly the most abominable doctrine that ever was promulgated.—But, I must give this whole passage; for every word of it should be read by every man in every part of the King’s dominions and in every country in the world: “Very little ingenuity is necessary to discover topics of discontent for the soldiery; still less to discover such topics for our sailors. LORD COCHRANE’S speeches at the Westminster election, asserting that the sailors were fed on salt meat till they were eaten up with the scurvy, and then, as a cure, were drenched with lemon juice into a consumption, were heard of with horror and alarm. JURIES MAY ACQUIT, BUT THE ATTORNEY GENERAL IS BOUND TO PROSECUTE WITH MORE THAN ORDINARY EAGERNESS, all libels tending to the discontent and disorganization of our military force. Soldiers are edged tools, and should not be played with by every baby who sets up for a political writer. Let them discuss laws and politics as much as they please, but let them not interfere with the interior œconomy of an army, of which they are likely to know little. Such subjects, if discussed at all publicly, should not only be treated with great tenderness, BUT SHOULD BE LEFT EXCLUSIVELY TO MILITARY MEN. Civil immunities are inconsistent with military duties. The man who becomes a soldier, renounces the English constitution as far as respects his military service. The private soldier is unlikely to have any interest or connection but what are military. Martial law is

"the only law affecting him. HE IS OUT OF THE PALE OF THE CONSTITUTION, and it is either absurd or wicked to apply it to his state."—Here again we have a notable instance of this writer's consistency, who, while he is generously disposed to permit *military men* to treat of the sufferings of the *soldiers*, hears with "horror and alarm" LORD COCHRANE treat of the sufferings of *sailors*. The truth is, you see, he will suffer no one to treat of *sufferings*. Any body may write *against* either soldiers or sailors; but nobody *for* them, according to this base and mercenary man. What LORD COCHRANE did say, I do not recollect; but, I am quite sure, that whatever he asserted, as having come to his own knowledge, was TRUE. That I am quite sure of; and I am quite sure of another thing, and that is, that he spared no pains, of any sort whatever, to cause to be rectified the things which he complained of. And, is it not exceedingly base in any one to attack him thus in his known absence from the country, and while, too, I'll engage, he is, every hour of his time, most zealously and disinterestedly employed, or, rather, employing himself, in endeavours to serve that country in which he is thus vilely misrepresented and abused. Lord COCHRANE is not less distinguished for his humanity than he is for his bravery and skill; and, it would be hard to say, for which he is most hated by men entertaining the principles of this writer, of whom there are but too many.—What an accusation would it be against either service, to say that the treatment of the men in it is *not to be spoken of*? Why, what an imputation this conveys against the service altogether! How is it possible to suggest any thing more suspicious of it? And yet, at nothing short of this does the venal man's doctrine stop.—But, we may, it seems, be allowed to discuss *laws* and *politics*. And, pray, what are we, in discussing military flogging, doing more than discussing the provisions of an *act of parliament*; and is not that discussing a *law*? It is in virtue of an *act of parliament* that the flogging is inflicted; and yet this man would not allow us to say one word about it. We may, he says, discuss *laws* as much as we *please*; but, this law we must not so much as mention, except, perchance, to *praise* it. We have *free liberty*, I dare say, according to him, to *praise* flogging; but, if we find fault of it, then we are guilty of what he calls a "*mutinous libel*."

Military men he will allow to discuss the subject with *tenderness*; but, does he mean to say, that he will permit the *private soldiers* or the *non-commissioned officers* to do it? Let him *answer* that question. Oh, no! he means no such thing; and yet they are "*military men*" as well as the commissioned officers. Oh, no! he means no such thing; for, he plainly declares, that when an Englishman becomes a soldier (whether in the militia or in the regulars) *civil immunities are gone from him*; and to exercise freedom of the press is a civil immunity. Nay, he says flatly and plainly, that the "*private soldier* is unlikely to have *any interest or connexion* but with the military." What! is it, then, now openly avowed, that the English soldier is cut off from the nation? And not only from society, but from all community of interests and of feelings with former friends and even with kindred? Is this now openly and publicly maintained? And, observe, there is no distinction at all made here between the man who voluntarily enlists into the army and the man who is by *ballot* compelled to serve.—Nay, this writer goes farther, and tells the *private soldier*, in so many words, that "HE IS OUT OF THE PALE OF THE CONSTITUTION." Mark, that the article in the *Examiner* as well as *mine* related chiefly to the *militia*, and particularly the *Local Militia*; and, in answer to us, this man says, "THE PRIVATE SOLDIER IS OUT OF THE PALE OF THE CONSTITUTION." He proclaims to all the men in military service, of whatever sort, that they are excluded from the Constitution, and that it is absurd to apply it to their state. The Attorney General stated the *Local Militia* at 180,000 men and the other *Militia* at 90,000 men, making 270,000, besides the regular army, making in the whole, including Ireland, more, I believe, than 400,000 men. And, according to this writer, all these our countrymen, who are liable to shed their blood in defence of the country, are "OUT OF THE PALE OF THE CONSTITUTION." We have seen before, that the Attorney General and the Judge represented *every thing* as now depending upon the fidelity of the soldiery; and here comes a man to tell us, that the private soldiers are "OUT OF THE PALE OF THE CONSTITUTION;" and that they have *no interest or feeling in common* with the rest of the nation. He proclaims

to 400,000 of our countrymen, with arms in their hands, that they are cut off from society, and that the *constitution*, that is to say, the *laws and institutions of their country* are a dead letter as to them.—Talk of publications to excite *mutiny* indeed! Here is a publication, which, if read by soldiers, must infallibly have the effect of making them *abhor* the service in which they are engaged. This is, indeed, a "*mutinous libel*;" for, if this has not a tendency to make the private soldiers desperate, to make them hate the authority by which they are held together, to fill them with indignation and rage, nothing that ever was said or written could possibly have such tendency.—This writer and others have, upon innumerable occasions, drawn a comparison between the *objects of war* on the part of Napoleon and of war on our part. And, in this comparison, the *soldier's motives* have been included. With us, it has been said, that the soldier *fights for his country*; with Napoleon, merely for the ambition and aggrandisement of the ruler. This, I am sure, the reader will bear me witness, has been said a thousand and a thousand times over. And, even upon the present Trial, the judge observed, that in *France* men were drawn out and sent to fight for objects in which they had *no interest*, merely "*subservient to the views of the tyrant*." Very well. But, here comes the *Courier*, or his coadjutor, and tells us, that *our private soldier* is cut off from society; that he has *no interest or connexion* in common with his countrymen; that "*HE IS OUT OF THE PALE OF THE CONSTITUTION*." And, let me ask, is there any thing like this said, by me or by the writer of the *Stamford News*? Have we published any thing which so completely does away, if it be believed, all that has been said in order to place our service in a light more advantageous than that of France? For my part, who have been a soldier, and who know as much of the feelings of soldiers as any man in the English army, and know as much about the internal œconomy of a regiment, and know as much of the motives that operate with soldiers, I can form an idea of nothing so mischievous as this declaration, that is to say, in the way of rendering the army totally regardless of the welfare of their country. It might be suspected, perhaps, that there were men to *entertain* this notion of the state of the soldier; but, I must confess that I did not

expect to see it openly avowed.—I repeat, that the avowal, the open declaration has been made in the *Courier* newspaper, I desire the reader, be he who he may, to bear in mind *what paper that is*, and with this I dismiss the subject for the present.

In my next I shall offer some remarks upon the state of affairs with regard to the *American States*. I should do it here, for the subject is a very important and interesting one; but, I have not room, as I wish to omit no part of the debate upon Mr. WARDLE's motion.

WM. COBBETT.

State Prison, Newgate, Friday,
March 1, 1811.

CORPORAL CURTIS.

Debate in the House of Commons, upon a Motion of Mr. WARDLE, on Tuesday, the 26th of Feb. 1811.

(From the Times News-paper.)

MR. WARDLE rose, pursuant to notice, to submit to the House a motion with respect to Corporal Curtis, late of the Oxford militia. He should begin by stating, that the individual to whom his motion related was unknown to him; and he had never spoken to him or seen him. The officers who composed the regimental Court-martial were also unknown to him; but with respect to the Colonel of the Oxford militia, he would say that no man possessed a higher character (Hear! hear!) Several of his friends were well known to the Colonel, and thought most highly of him. He was convinced that no blame was to be imputed to him, but he conceived that he had been much misled by the misrepresentations of others. As this subject appeared to him worthy of being submitted to the consideration of the House, he would have wished for an opportunity to have conversed with the man: and went down to the sea-coast, in November last, for the purpose of visiting the man, who was then confined in the hospital at the Isle of Wight. The wind, however, blew so hard, and was so foul, that he could not get over to the Island. Some of his friends, however, had asked to see Corporal Curtis, and they were told that neither they nor himself (Mr. Wardle) would be permitted to see him without an order either from the Commander in Chief or the Adjutant General. He wrote to the Commander in Chief for

permission, but was refused unless he could produce proofs that were not then in his possession. He was at a loss to know what there was in the military law, which could justify a Commander in Chief, after a man had been cruelly flogged, to place him in a much worse situation than a condemned felon, who is allowed to see his friends and acquaintances.—The case of Corporal Curtis, (as he understood it) was as follows. He was a young man of very respectable parents, and was brought up with superior expectations, but was induced in the year 1808 to enter into the Oxford militia for a large bounty. In 1810, he was a corporal in the regiment, and a clerk to the paymaster. On the 23rd of June in the last year, he made complaints to his Colonel of abuses in the regiment. He complained, 1st, that an order for giving the men three pair of shoes in two years had not been executed; and 2dly, he complained of the improper detention of pay from the men, under the pretence of stoppages on account of some articles of clothing (or regimental breeches) which had never been delivered. These stoppages had been for five months, and the clothing was not given. The stoppages for these five months had no other authority but the verbal order of the Lieut.-Colonel. He believed it was a thing almost unprecedented, that a whole Regiment should be under stoppages for articles which Government were to furnish. At the end of eight months the only excuse for not giving the clothing was, that the men did not want them. The 106th clause of the Mutiny Act expressly stated "that if any paymaster, agent or clerk, should unlawfully detain or withhold any pay due to the Regiment for more than one month; or if any officer, having received the pay, should retain it in his own hands, such officer, on being found guilty thereof by a Court-martial, should, besides what other punishment the Court-martial should inflict, pay a penalty of 100*l.* to the informer, who, if a soldier, was also to be entitled to his discharge." This clause was quite explicit, and did not leave the Colonel or the General of the district any discretion upon the subject. He had received an account of what had happened from a gentleman who was introduced to the General Court-martial, for the purpose of taking the depositions, and who was ready to verify the same at the bar of that House, or any where else. It appeared from those depositions,

that when Corporal Curtis first made his complaint, the Colonel was excessively angry, and threatened to try him for mutiny; to which Curtis replied, that as he came up alone to make his complaint, he could not be tried for mutiny. On the 23d of June, he attended the Colonel and Lieutenant-Colonel, and the Book of Orders being produced, he was called upon to shew the Order with respect to the shoes or the breeches. As he knew nothing of their books or the manner of keeping them, he was unable to do this. On the 26th, he was confined for improper conduct in having been seen in brown clothes, at a mile distance from head-quarters. For this offence, he was by the sentence of a Court-martial reduced to the ranks. It appeared, however, that he was the clerk to the regiment, and in that capacity had been accustomed to wear coloured clothes. As to his being a mile from the head-quarters, he was returning from the post-office, where he had just put in a letter to Lord C. Somerset, the Lieutenant-General commanding the district. In this letter, he stated that he had a complaint to make against the Quarter-master for improper detention of pay, and that he had stated it to his Colonel, who refused to give him satisfaction. He stated further, that he wished to take the advantage of the 106th clause of the Mutiny Act. It appeared to him (Mr. W.) that this statement was not improper, as the Colonel had not given Curtis the opportunity of proving his complaints before a Court-martial, as he was entitled to do. This letter was sent by Lord C. Somerset to the Colonel of the regiment. The Colonel, in answer to it, said that he was not aware that any charges could be made out against the Quarter-master; and that as to the breeches, the men were aware that they were ready to be delivered, but that they did not then want them. He also stated, that Curtis came up to him in a very improper manner to make his complaint. The fact, however, turned out to be, that the breeches were not ready for delivery at that time, nor even so late as July. As to the impropriety of manner in which Curtis made his complaint, the Colonel was walking on the drill-ground, when he came up and mentioned it to him. In the case of Governor Wall, the Lord Chief Justice was of opinion, that the man who died of the punishment he received in Africa, had done no more than he had an undoubted right to do, in complaining to his officers

of a detention of pay; and it then appeared to the Lord Chief Justice, that if a Colonel was to check such complaints, it would have the appearance of his being a partaker in the plunder. Curtis had made his complaint regularly to his Colonel and his General. His Colonel was applied to by him to try these charges by a General Court-martial instead of a Regimental Court-martial, but he refused. In a regimental Court-martial, it was well known that the officers were more connected with each other than they were in regular regiments, and this might produce a sort of bias (*No! no! from the Ministerial Bench*). That they were more connected was evident, and there was no accounting for feelings on such a subject. A General Court-martial, on the other hand, was composed of men who were chiefly strangers to each other, and therefore it was a Court which appeared more suitable for trying charges against an officer. The prisoner was refused the usual intercourse with his witnesses and with his Counsel, previous to the trial; and even a great coat which he before had, was taken from him, and he was obliged to lie on the bare boards. Two other privates, Bellis and Reeve, also gave a statement of other abuses, but the Colonel said he would take care of them too. They were brought before a Court-martial, and threw themselves on the mercy of the Court. They were sentenced to 500 lashes, which was remitted on their volunteering for foreign service. It appeared that at the time of the trial of Curtis, the Quartermaster, Serjeant Fox, publicly threatened and endeavoured to intimidate the witnesses of Corporal Curtis; and on the steps of the court publicly swore, that Curtis was a d—d rascal, and so was every one who took his part. Another Serjeant publicly held out the expectation of twenty guineas and their discharge to any soldier that would prove that Curtis had spoken disrespectfully of his Colonel. The charges were, first, for endeavouring to excite discontent and mutiny in the regiment; of this charge he could not find a single tittle of evidence. The next was that of his having spoken disrespectfully of his Colonel; it must, however, be allowed, that if he had spoken improperly of his Colonel, his mind was under considerable irritation at the time. He considered that he had been refused the satisfaction to which the military law entitled him. He had conceived himself to be entitled to 100*l.* and his discharge. The

language, however, he had used concerning his commanding officer, was not a thousandth part as bad as what had been said of his Commanding Officer by a gallant Admiral (Admiral Harvey) who had since been restored to the service. He thought some similar allowance ought to be made in the present case.—It was in the recollection of all, that some German soldiers had been taken in the act of desertion, having stolen a boat for the purpose of going over to the enemy. They were taken and tried: but were they sentenced to be flogged? No! he believed they never did, nor never dared to put a lash on the backs of German soldiers; and he saw no reason why British soldiers alone should be exposed to that severity. It was on the 5th of August that Curtis received his punishment. He was at that time so sick and weak, that he was obliged to be supported while they tied him to the halberts. During his punishment he fell into frequent fainting fits; and having received 200 lashes, he got his election either to take the remaining 800 lashes, or to rot in the West Indies. He, of course, preferred the latter. Although he had only received a fifth of his punishment, he was confined from it in the Hospital, from the 5th of August to the 14th of November. Col. Wardle then read a letter from Curtis, written 12 days after the flogging, wherein he mentioned, that “he would have been very glad if he had been able to bear the remaining 800 lashes, instead of being sent to the West Indies, but the 200 had been administered with such extraordinary severity, that it was not possible for him to bear more. His back was one complete sheet of corrupted matter, which drew from him all his strength, and made him almost unable to stand.” Having stated so much, he thought it was unnecessary to detain the House with many observations. He trusted, that if the House would grant him a Committee, he would be able to substantiate by proof those facts which he had stated. *He concluded by moving for a Committee to take into consideration the case of Corporal Curtis.*

Sir FRANCIS BURDETT seconded the motion.

Colonel LANGTON was anxious for every species of enquiry. He was ready to meet all that could be brought forward against his conduct as Colonel of the Oxfordshire militia. Thoroughly convinced as he was of the danger of allowing insubordination to creep among the soldiery, he had done nothing that was not necessary for the

preservation of discipline. At this time, when every thing depended upon the fidelity and obedience of the army, it was not to be held out as a crime, that men sowing the seeds of disunion in the army, should be brought to a court martial (*Hear !*) Neither he, (Colonel Langton,) nor any of the officers of the regiment wished to evade the strictest enquiry, because they knew the more strict it was, the more clear the character of the Oxford regiment would come out before the country (*Hear ! Hear !*) He was not accustomed to speak in that House, and would beg permission to refer to some papers. (Here he read the evidence of the two men already alluded to, as to the offer of the twenty guineas for proof against Curtis, which offer they positively denied.) [Colonel Langton then read a letter from Curtis himself, acknowledging his error, and thanking the Colonel for his generosity, in allowing the punishment to be commuted for service abroad. This letter was signed by Curtis and the Adjutant, with the declaration of the latter, that Curtis signed it with every mark of sincere regret for the part which he had taken.] He (Colonel Langton) had been thirty years in the Oxford Regiment, and during that time he had never refused a soldier his fair demand. Curtis said, he was entitled by the regulation to three pairs of shoes in two years : the regulation actually was, that three pair in two years were allowed. Another of his demands was relative to the stoppages for breeches. Curtis required that he should have two pair of breeches in the year ; if he wanted breeches at the time, he should have got them for asking, but he had actually a good whole pair on him at the very time of his complaint. (*Hear, and laughing.*) After some further details, Colonel Langton apologized for taking up the time of the House. He had been in it for sixteen years, and he had never presumed to address them before ; he hoped he should never have reason to trespass on them again (*Hear !*)

Mr. MANNERS SUTTON (*Judge Advocate General*) courted all enquiry on any subject that could with propriety be brought into discussion ; but it would be only on a case that would have some ground of probability stronger than the one before the House. On the present subject, however, a very simple statement would, in all likelihood, be satisfactory to every man who came with an unprejudiced

judgment to the debate. The first complaint of Corporal Curtis related to shoes and breeches. He demanded three pairs in two years, or as he termed it, three shoes a year. This he stated to be the regular allowance and uniformly made. It had happened, that in 1804, two pair of shoes were given in the year. It was the year of entering from the supplementary militia. The men received a pair as supplementary, and a pair as militia-men. They thus had two pairs. But it was found that one pair was sufficient, and five shillings was allowed for the pair, which money was not given immediately to the men, but put to the account of other articles, which were paid for out of the soldier's stoppages. Curtis applied to the Colonel as to the stoppages for shoes and breeches. On the subject of shoes, the regulation shewn to him proved, that he was wrong, and he went away seemingly satisfied. He demanded the second pair of breeches, and was told, he should have them if he wanted them. He got them, without informing the pay-serjeant who was to make the stoppage ; and it was only when he was refused the third pair, that he demurred. (*Hear !*) Government allowed a stoppage of eighteen pence a month to be made, taking the breeches at seven and sixpence a pair, and if the breeches were not required, as was in many instances the case, the money was returned to the soldier. (*Hear !*) Curtis was brought to a Court-martial, for being found a mile from his quarters, and in coloured clothes. He had the conversation with his Colonel on the 25th, but lost all memory of it on the 26th. But this was nothing ; for nothing was more natural than for a man to forget this day, that he had seen a particular person the day before (*Hear, hear !*) or that he had altogether forgot the conversation which he had held the day before (*Hear !*) The Hon. Member (Colonel Wardle) could not have so far forgotten the habits of his military life, as not to know, that in a regiment of the line, at least, the commanding officer might reduce an offender to the ranks without any court-martial. In the mean time, Curtis was arraigned of other charges, charges not relative to clothing, but incurred previously to the sitting of the Court. It might be almost said, that it was fortunate that the Hon. Member had fixed upon the Oxford regiment for his peculiar attack ; for nothing could better bear sifting to the bottom than

the conduct of the Officers in the whole transaction. Curtis demanded a General Court-martial. As to the circumstance of the trifling tumult which was said to have taken place on that occasion, and which the Hon. Member (Wardle) mentioned to the House, as merely a slight stir; he (Mr. M. Sutton) would say, that the person who acted as Deputy Judge Advocate on that occasion wrote to him, to know how the Court was to be relieved from the confusion which was taking place. His (Mr. M. Sutton's) answer to the letter was, that the Court must make itself respected; that if any military man disturbed the Court, he should be committed, and any other should be taken before a Magistrate; and he (Mr. M. Sutton) would be pledged to have him prosecuted at the next Sessions. Yet this was the slight stir which merely flashed across the Hon. Member's recollection, and which he mentioned to the House as a piece of accidental information. On the Court Martial, Curtis was acquitted of the first of the three charges. He was found guilty on the second and third. The second was, for saying, that "He would tear the coat off the Colonel's back," and "that he would cashier the heads of them." When he was advised to consider what he was about, he said "that he wanted no counsel, he had good advice." The charge was not laid as mutiny, and therefore the punishment was not capital; but it was quite proper that the sentence of such a Court should be no matter of lightness. They had exercised a sound discretion in awarding a severe punishment for so serious an offence. The Hon. Member might think that such a punishment ought not to be inflicted; but it was eminently wrong, for any purpose of popularity, to come down to that House with a string of unfounded statements which must go forth from the House to the public. The Hon. Member went so far as to demand of the Commander in Chief, leave to put written queries to the prisoner. (*Hear, hear!*) Perhaps the Hon. Member forgot that (*Hear!*) But if he had any doubts on the subject, perhaps the simplest mode of removing them would be to read his own letter. (Here Mr. M. Sutton read a letter from Colonel Wardle to the Commander in Chief, mentioning that he had come to Portsmouth to see the person who had been punished, and finally requesting that a gentleman might be allowed to go over to the Isle of Wight, to put written questions to Curtis.) The Com-

mander in Chief answered him, that he would be obliged by the Colonel's statement of any grounds of inquiry, as nothing could give him greater satisfaction than to do justice. (*Hear!*) Colonel Wardle wrote back, that he would give no statement; that he demanded, as a Member of Parliament, nothing more or less than that the Commander in Chief should actually stay proceedings on the subject, during Colonel Wardle's pleasure. (*Hear!*) If it were really that Honourable Member's object to do good to the service, his judgment was most lamentably deficient. Did he actually think, that he was doing good to the army by standing forward as the advocate of every open, avowed, convicted culprit? The House had apparently made it a rule, not to interfere with military matters, except in cases of obvious importance. But the Honourable Gentleman seemed to think it his best privilege to hunt out and bring those unsuitable subjects perpetually before the House. He seemed to think, that he had a kind of roving commission for all charges of that nature. (*Hear!*) With respect to Bellis and Reeve, the two soldiers who were stated to have been sent abroad for their testimony in favour of Curtis, the plain truth was, that on the trial, they brought forward written calumnies against their officers, that they were tried for those calumnies, that they were found guilty, and their sentence of 500 lashes each was commuted into foreign service. This was called, sending them away for their testimony on the trial. If there ever was a case of a court-martial which would bear the most minute and intimate examination, it was the present one. Mr. M. Sutton concluded his speech by declaring that it was impossible he should assent to the motion, under all its circumstances.

Sir FRANCIS BURDETT observed, that if the Honourable Gentleman would be *advocate, judge, and witness in the same cause*; as the Honourable and Learned Gentleman, who had just spoken, appeared to be, it could not be surprising that he should carry every thing before him by the force of his own assertion. This, without meaning any disrespect to that Hon. and Learned Gentleman, seemed to him to be precisely his situation. To the facts stated by the Hon. Gentleman who brought forward this motion, which were represented as founded only in assertion, the Hon. and Learned Gentleman had replied only by assertions. So that in this

respect both that Hon. and Learned Gentleman and the Hon. Member who made the motion, were placed exactly on the same ground, with this exception, that the latter undertook to prove and make good all his assertions. It had been said, indeed, that what had been stated by the Hon. Gentleman, near him (Mr. Wardle) was not founded in fact; but how could that be known, unless he were to be at liberty to prove the correctness of his statements? By the reasoning of the Hon. and Learned Gentleman opposite, all was to be taken for granted which was asserted on his part, whilst every thing was to be questioned which was advanced by the other Honourable Member. With respect to the Honourable Colonel who had been adverted to (Colonel G. Langton) he would be the last man whom he would suspect of being guilty of the oppression, or of the other charges implicated in this case. But as far as he could collect from the statement of the Hon. Gentleman, the charges were directed not so much against the Colonel or the Lieutenant Colonel, as against the Quarter Master of the Oxfordshire regiment. It appeared to him, however, that when charges were preferred by Corporal Curtis against a commissioned officer, the Colonel had no discretion, but to grant it. When this was refused, it was natural for the man to say that he had not justice done him. The next step was the appeal made to the Commander of the district, which had been represented as mutiny. How an appeal to a superior officer could be construed into an act of mutiny, he was at a loss to conceive. When Curtis had preferred his charges and thought he was to go to trial for having them, he found he was to be tried for another offence. The being absent in coloured clothes more than a mile from quarters might be a military offence, but as not only Corporal Curtis but all the men in the regiment were in the habit of going to Arundel, it was not to be expected by him that he should be tried for such an offence. This seemed to him to be a mere trick. What was the consequence? He was deprived of his appeal to a General Court-martial, which he would have had if his charges had been tried. He believed from the statement, that the Colonel, in refusing the Court-martial on the charges preferred by this man, had been guilty of a breach of the articles of war. As to the severity of the punishment and the cruelty of its nature, though fit topics to be dis-

cussed on another opportunity, they formed no part of the question under discussion, and it would be unfair to make them a part of this case. He however knew of no law human or divine that authorised the infliction of a punishment which human nature was unable to bear. It appeared in this case, that twelve days after one fifth of the punishment had been inflicted, the individual was scarcely able to stand. It had been objected to the Hon. Member that he had dealt in insinuations; but it appeared to him, on the contrary, that the Hon. and Learned Gentleman opposite had thrown out some heavy insinuations against the Hon. Mover of this question. It was strange, that, when it was admitted that there was no objection that this matter should be sifted to the bottom, the Hon. Gentleman should not be allowed to go into the proof. Under these circumstances he could not content himself with giving a silent vote after the unfair treatment which the Hon. Gentleman had received (*Hear, hear, hear!*) The Hon. Gentleman, too, had said, that the individual had undergone a series of cruelties, that many of the witnesses had been tampered with, and others intimidated, and these facts he offered to prove. Such a statement was not to be met by a laugh, or aspersions on the character of the individual who made it. But it had been said that this proceeding was likely to create discontent in the army; but what discontent could be excited if the statement were not true, and proved not to be well founded? Would it not be a satisfaction to men, placed in the glorious and honourable situation in which British soldiers were now placed, to know that if they suffered any grievance, there was one place at least to which they could look with confidence for justice. Upon all these considerations he should vote for the inquiry.

LORD CHARLES SOMERSET, as the Honourable Member had charged him, as General of the district, with a breach of the articles of war, felt it necessary to trouble the House with a very few words. There was one part, and only one part of the statement of that Hon. Gentleman, in which he concurred, viz. that in which he bestowed praise on the Hon. Colonel of the Oxfordshire regiment. It did not, perhaps, become him to say what he felt on that occasion relative to that Honourable Officer, but he must remark, that the Honourable Gentleman could not say too

much of him, as a zealous, correct, attentive, and humane officer as any in the service. (*Hear! Hear!*) This opinion he had expressed in the General Orders as strongly as he could, both with respect to the Colonel and Lieut.-Colonel of that regiment. The Hon. Gentleman had accused him of not having listened to the appeal of Corporal Curtis: he certainly had not listened to that appeal, because that person had not a right to make it. The Article of War (which the Noble Lord here read) took away the appeal from a person found guilty of a military offence by a regimental Court-martial. The General Court-martial was for the trial of heinous offences: the Regimental for petty offences. When the person, whose case was referred to, was charged with a heinous offence, he appointed a General Court-martial, but at the same time, took care that no officer, who had served on the Regimental Court Martial, indeed that no officer of the regiment should serve upon the General Court. He trusted after what he had stated, that the House would consider him clear of the charge of having committed a breach of the articles of war. As to this man, he believed he went away from his Colonel on the 25th of April, perfectly satisfied that his complaint was unfounded. On that day he signed his return, "all well." In the following May, Major General Houston [we believe] proceeded on his half-yearly inspection through the district. It was part of his duty to ask, whether any individual in the regiments inspected had any complaints to make. This duty he knew was performed by that officer, and not a word of complaint was heard from any individual in the Oxfordshire regiment. As to what had been said about Bellis and Reeve having been forced out of the country, he should only say, that there was no foundation for the charge. When their conduct was known, he did not order a Court Martial. He directed the Major General to inquire into the circumstances, and on his report had brought the men to a Court Martial. With respect to the treatment of the man in prison, he had certainly ordered the mob, for mob he would call them, not to be admitted to him; but he at the same time directed that his friends and witnesses should have free access to him, and that he should be allowed the use of pen, ink, and paper. But to shew more clearly with what indulgence and lenience he had been treated, he need only say, that on the 8th of July

the mob having entered into a subscription to enable him to employ Counsel, he applied to the Court for time to procure Counsel, when the Court adjourned to one o'clock; and on its being re-assembled, the Judge Advocate offered to the Counsel the proceeding for his perusal. The Honourable Baronet had said, that the man was entrapped into a trial for one offence when he was prepared to expect the trial for another. The fact was, that on the 4th of July a list of the charges had been given to the prisoner; on the 6th the Court met, when he was called upon for a list of his witnesses; and even on the 7th and 8th he called fresh witnesses. With respect to the charge of intimidation of witnesses by Serjeant Cox, as stated by the Hon. Gentleman, if any such thing had taken place, it must have been mentioned in the Defence; and yet not one word was said of it on the trial. If there was any thing to be remedied, the Commander-in-Chief had offered to have the matter inquired into. The course proposed by the Hon. Member was therefore not the only means of investigation. He returned thanks to the House for its attention, and should vote against the motion.

Mr. LOCKHART knew both the unfortunate man and his father, they being both his constituents. The impression upon the mind of this man's family was not that he had been treated with severity. He had received a letter from the father of the man, begging him to apply, not for a revision of his sentence, but for mercy. He had written upon the subject to the Dukes of Kent and Cumberland, and made application to the magistrates, who humanely exerted themselves to obtain the execution of justice in mercy. The father of this man knew nothing of the motion of the Honourable Gentleman. The speech of the Honourable Gentleman was deserving of the severest criticism. If popularity was the object of the Honourable Member, he would recommend to him to court it by other means, by means which, as Lord Mansfield well observed, would make popularity follow him instead of his pursuing popularity.

The CHANCELLOR OF THE EXCHEQUER would not rise except in justice to Sir David Dundas, to shield him against some imputation which seemed to have been insinuated. He did not mean to infer that the Honourable Gentleman who brought forward those charges took advantage of his situation as a Member of

Parliament to propagate inflammatory and mischievous harangues, (*Hear, hear, hear!*): he rather supposed he came down to seek redress for some supposed injury. He was the more ready to believe this, as every man who wished well to the country must be aware how very much the bringing forward military charges in that House ought to be avoided (*Hear, hear!*) The Right Honourable Gentleman here read a correspondence between Sir David Dundas and Mr. Wardle, in which Mr. Wardle desired that the condemned Corporal Curtis should not be sent abroad, as he, as a Member of Parliament, was determined to make the matter the subject of investigation (*Hear, hear!*); and in which Sir David uniformly answered, that he would be ready to accede, provided Mr. Wardle stated the grounds of his application. (*Hear, hear!*) This, however Mr. Wardle declined doing. He must state this in justice to Sir David Dundas. But Mr. Wardle broached a principle which would go to convert the freest country under heaven into the most wicked and abominable tyranny which ever existed. He, denying all information, demanded, as a Member of Parliament, the suspension of the Law. What, was he to arrogate to himself the right of becoming a walking Committee of the House of Commons? (*Hear, hear!*) He seemed also to insinuate that the military could not have fair play under a Regimental Court-martial! He could not conceive a viler or more unfounded insinuation; but though he was ready to give the Honourable Gentleman every allowance as to the purity of his views, still he was sure the House would allow he could not have chosen a worse way, or adopted a more injudicious course towards their accomplishment. (*Hear, hear!*) He should now conclude, having made these few remarks on a speech which he was sure all men in that House must regret, and which none should regret more than the person who delivered it. (*Hear, hear!*)

Colonel WARDLE very briefly replied, and the House divided:

For Colonel Wardle's Motion..... 1

Against it..... 91

Majority—90

There were, besides the one, who voted for the motion, the two Tellers, who were MR. WARDLE and SIR F. BURDETT. The one was Colonel LANGTON!

OFFICIAL PAPERS.

ISLE OF FRANCE.—Dispatch from Maj. Gen. Abercromby.

(Continued from page 448.)

Having halted for a few hours during the night, the army again moved forward before daylight, with the intention of not halting till arrived before Port Louis; but the troops having become extremely exhausted, not only from the exertion which they had already made, but from having been almost totally deprived of water, of which this part of the country is destitute, I was compelled to take up a position at Moulin à Poudre, about 5 miles short of the town.

Early the next morning Lieutenant Colonel M'Leod, with his Brigade, was detached to seize the batteries at Tombeau and Tortue, and open a communication with the fleet, as it had been previously arranged that we were to draw our supplies from those two points.

The main body of the army, soon after it had moved off its ground, was attacked by a corps of the enemy, who, with several field pieces, had taken a strong position, very favourable for attempting to make an impression on the head of the column, as it shewed itself at the end of a narrow road, with a thick wood on each flank. The European flank battalions, which formed the advanced guard, under the command of Lieutenant Colonel Campbell, of the 33d regiment, and under the general direction of General Warde, formed with as much regularity as the bad and broken ground would admit of, charged the enemy with the greatest spirit, and compelled him to retire with the loss of his guns, and many killed and wounded. This advantage was gained by the fall of Lieutenant Colonel Campbell, a most excellent and valuable officer, as well as Major O'Keefe, of the 12th Regiment, whom I have also every reason sincerely to regret.

In the course of the forenoon the army occupied a position in front of the enemy's lines just beyond the range of cannon-shot; on the following morning, while I was employed in making arrangements for detaching a corps to the southern side of the town, and placing myself in a situation to make a general attack, General de Caen proposed to capitulate.

(To be continued.)